

TUESDAY, MAY 30, 2000
EIGHTY-THIRD LEGISLATIVE DAY

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative West.

Representative West led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 94

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowikes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative J. DeBerry; personal reasons.

Representative Rhinehart; illness.

Representative Sharp; illness.

Representative Turner (Shelby); family death.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1192: Rep(s). Maddox, Sands, Fitzhugh, White and Walker as prime sponsor(s).

House Bill No. 2595: Rep(s). Walker as prime sponsor(s).

House Bill No. 3062: Rep(s). Walker as prime sponsor(s).

REPORT OF CHIEF ENGROSSING CLERK

May 26, 2000

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2169, 2452, 2516, 2779, 2783, 3163, 3302, 3333, 3335, 3337, 3338, 3339, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3351, 3352; also, House Joint Resolution(s) No(s). 435, 575, 591, 593, 678, 716, 756, 757, 758, 759, 760, 761, 762, 763, 764, 768, 770 and 787.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 26, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3006; also, House Joint Resolution(s) No(s). 765, 766, 767, 769, 771, 781, 783 and 790; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

May 26, 2000

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 3006; also, House Joint Resolution(s) No(s). 765, 766, 767, 769, 771, 781, 783 and 790.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for June 1, 2000:

House Resolution No. 258 -- Memorials, Death - Onix the Drug Dog. by *Maddox, *Phelan.

House Resolution No. 260 -- Memorials, Recognition - Dr. Ben L. Hooks and Donald V. Jackson. by *Armstrong.

House Resolution No. 261 -- Memorials, Public Service - Evangelist Nettie Rogers. by *Brooks.

House Joint Resolution No. 792 -- Memorials, Interns - Jackie D. "Pepper" Petersen. by *Cooper B.

TUESDAY, MAY 30, 2000 — EIGHTY-THIRD LEGISLATIVE DAY

House Joint Resolution No. 793 -- Memorials, Academic Achievement - Clinton High School Mock Trial team, eighth place in national mock trial competition. by *Caldwell.

House Joint Resolution No. 794 -- Memorials, Academic Achievement - Janelle Turner, Horatio Alger Scholar. by *Hargett.

House Joint Resolution No. 795 -- Memorials, Retirement - Robert E. "Bobby" Nicholson. by *DeBerry L.

House Joint Resolution No. 796 -- Memorials, Recognition - Hillwood High School Class of 1970, 30th class reunion. by *Odom.

House Joint Resolution No. 797 -- Memorials, Interns - Brooke Dianah Rodgers. by *Armstrong, *Pruitt, *Eckles.

House Joint Resolution No. 798 -- Memorials, Professional Achievement - Coach Pat Summitt, Naismith College Basketball Women's Coach of the Century and Basketball Hall of Fame inductee. by *Naifeh, *Head, *Fitzhugh, *DeBerry L.

House Joint Resolution No. 799 -- Memorials, Sports - Tamika Catchings, Naismith College Basketball Women's Player of the Year. by *Naifeh, *Head, *Fitzhugh, *DeBerry L.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3361 -- Dickson - Subject to local approval, rewrites charter. Amends Chapter 274 of the Private Acts of 1925. by *Jackson.

House Bill No. 3362 -- Linden - Subject to local approval, clarifies that election to fill vacancy occurs at next regular municipal election. Amends Chapter 365 of the Private Acts of 1923; as amended. by *Tidwell.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3364, was/were referred to the Delayed Bills Committee.

***House Bill No. 3364** -- Public Funds and Financing - Increases taxes and fees and reallocates revenues. Amends TCA Title 9; Title 13; Title 29; Title 40; Title 54; Title 55; Title 57; Title 59; Title 67 and Title 68. by *Head, *Kisber, *Hargrove, *Rinks, *Ford S, *Cole (Dyer), *Cole (Carter), *Whitson, *Kent.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 1434 -- Utilities, Utility Districts - Prohibits apartment tenants from being charged separately for water unless each tenant has water meter; prohibits additional fees for act of billing consumers. Amends TCA Title 7. by *Haynes. (*HB713 by *West)

Senate Bill No. 2082 -- Claiborne County - Subject to local approval, establishes building permit fee schedule. Amends Chapter 74 of the Private Acts of 1967, and all acts amendatory thereto. by *Williams. (HB2043 by *Goins)

***Senate Bill No. 2098** -- Sunset Laws - Board for licensing health care facilities, June 30, 2006. Amends TCA Title 4, Chapter 29, and Title 68, Chapter 11. by *Springer, P, *Burchett, *Harper. (HB2431 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2415** -- Law Enforcement - Prohibits law enforcement officers from engaging in racial profiling; requires state highway patrol, county sheriff departments, and municipal police departments to adopt written policy prohibiting racial profiling; requires such law enforcement officers to collect and report certain traffic stop information to comptroller; requires comptroller to report composite findings to governor, general assembly, and state legislative black caucus. Amends TCA Title 4, Chapter 7, Part 1; Title 6, Chapter 54 and Title 8, Chapter 8, Part 2. by *Dixon. (HB2517 by *Brooks, *Arriola)

Senate Bill No. 2963 -- Lawrence County - Subject to local approval, authorizes Lawrence County board of education and county commission to enter into joint agreement to maintain Lawrence County schools. by *Springer, P, *Springer, J. (HB2801 by *White)

***Senate Bill No. 3063** -- Mental Health and Mental Retardation, Dept. of - Enacts "Mental Health and Chemical Dependency Utilization Review Act." Amends TCA Title 56. by *Graves. (HB3092 by *Walley)

Senate Bill No. 3269 -- Hickman County - Subject to local approval, authorizes county legislative body to direct county election commission to place nonbinding, advisory referendum question on ballot. by *Springer, P, *Springer, J. (HB3285 by *Jackson)

Senate Bill No. 3274 -- Memphis - Authorizes Memphis city council to set compensation of members of Memphis board of education subject to approval in referendum. Amends Chapter 30 of the Acts of 1868-1869, as amended. by *Dixon. (HB3287 by *Turner (Shelby))

***Senate Bill No. 3289** -- Courts, New Jurisdiction - Subject to local approval, confers upon general sessions court in Morgan County concurrent jurisdiction with circuit court over domestic relations, mental health commitment and probate cases. Amends TCA Section 16-15-5004. by *Davis L. (HB3307 by *Windle, *Buck, *Cole (Dyer))

Senate Bill No. 3313 -- Jonesborough - Subject to local approval, authorizes board of mayor and aldermen to levy and collect fees for street lighting through establishment of special improvement districts. Amends Chapter 135 of the Acts of 1903. by *Crowe. (HB3358 by *Patton)

Senate Bill No. 3342 -- Gibson County - Subject to local approval, provides for election of juvenile court clerk for four year term; transfers duties of clerk of juvenile court from county clerk to elected juvenile court clerk. Amends Chapter 307 of the Private Acts of 1982. by *Carter. (HB3356 by *Phelan)

CONSENT CALENDAR

House Bill No. 392 -- Sunset Laws - Department of correction, June 30, 2003. Amends TCA Title 4, Chapters 3 and 29. by *Kernell, *Garrett, *Brooks. (*SB141 by *Springer, P, *Burchett, *Harper)

On motion, House Bill No. 392 was made to conform with **Senate Bill No. 141**; the Senate Bill was substituted for the House Bill.

House Joint Resolution No. 713 -- Naming and Designating - "U.S. Space Observance," July 16-24; and "Space Exploration Day," July 20, 2000. by *Lewis, *Fraleigh, *Caldwell, *Ferguson.

***House Joint Resolution No. 666** -- Memorials, Government Officials - Requests department of human services and bureau of TennCare to provide information concerning federal funding to house health and human resources committee and senate general welfare committee. by *Bowers.

House Bill No. 3287 -- Memphis - Authorizes Memphis city council to set compensation of members of Memphis board of education subject to approval in referendum. Amends Chapter 30 of the Acts of 1868-1869, as amended. by *Turner (Shelby). (SB3274 by *Dixon)

On motion, House Bill No. 3287 was made to conform with **Senate Bill No. 3274**; the Senate Bill was substituted for the House Bill.

House Bill No. 3356 -- Gibson County - Subject to local approval, provides for election of juvenile court clerk for four year term; transfers duties of clerk of juvenile court from county clerk to elected juvenile court clerk. Amends Chapter 307 of the Private Acts of 1982. by *Phelan. (SB3342 by *Carter)

On motion, House Bill No. 3356 was made to conform with **Senate Bill No. 3342**; the Senate Bill was substituted for the House Bill.

House Bill No. 3357 -- Harriman - Subject to local approval, establishes Roane Medical Center Hospital Authority. by *Ferguson. (SB3343 by *Davis L)

House Bill No. 3358 -- Jonesborough - Subject to local approval, authorizes board of mayor and aldermen to levy and collect fees for street lighting through establishment of special improvement districts. Amends Chapter 135 of the Acts of 1903. by *Patton. (SB3313 by *Crowe)

On motion, House Bill No. 3358 was made to conform with **Senate Bill No. 3313**; the Senate Bill was substituted for the House Bill.

House Resolution No. 250 -- Memorials, Interns - Elizabeth Clark. by *Kent.

House Resolution No. 251 -- Memorials, Interns - Heather Elise Grosshans. by *Scroggs, *Todd.

House Resolution No. 252 -- Memorials, Sports - Cocke County High School boys' tennis team, IMAC champions. by *Davis (Cocke).

House Resolution No. 255 -- Memorials, Recognition - Tennessee Titans linebacker Eddie Robinson, "Day on the Hill" participant. by *Brown.

House Resolution No. 256 -- Memorials, Interns - Christie Ann Latham. by *Westmoreland, *Sargent, *Patton, *Whitson.

House Resolution No. 257 -- Memorials, Interns - Sharon L. Travis. by *West, *Turner (Shelby), *Jones, S..

House Joint Resolution No. 788 -- Memorials, Death - Larkin and Louise Black. by *Beavers.

House Joint Resolution No. 789 -- Memorials, Interns - Cheryl Latrice Bryant. by *Brooks, *Kernell, *Garrett.

House Joint Resolution No. 791 -- Memorials, Public Service - Dr. Billy J. Naylor, Vice President for Administration, Freed-Hardeman University. by *DeBerry J, *Patton, *McDaniel, *Chumney.

Senate Joint Resolution No. 856 -- Memorials, Professional Achievement - Doug Crosier, Franklin High School principal. by *Cohen, *Blackburn.

Senate Joint Resolution No. 859 -- Memorials, Retirement - Clarence J. Moore. by *Herron.

Senate Joint Resolution No. 860 -- Memorials, Public Service - Walter "Pinky" Drerup, Iris Festival's Outstanding Citizen Award recipient. by *Herron.

Senate Joint Resolution No. 861 -- Memorials, Sports - Goodpasture High School football team, 1999 TSSAA Division I Class 2-A state champion. by *Haynes, *Graves.

Senate Joint Resolution No. 865 -- Memorials, Interns - Christina Anne Clift. by *Ramsey.

Senate Joint Resolution No. 866 -- Memorials, Interns - Tara Marisa Prairie. by *Wornack.

Senate Joint Resolution No. 867 -- Memorials, Interns - Eleanor Bright Fleming. by *Wornack.

Senate Joint Resolution No. 870 -- Memorials, Sports - 1999 Goodpasture High School softball team, state champions. by *Haynes, *Henry, *Graves.

Senate Joint Resolution No. 871 -- Memorials, Sports - Goodpasture High School baseball team, 1999 state champion. by *Haynes, *Henry, *Graves.

Senate Joint Resolution No. 873 -- Memorials, Interns - Elizabeth Shelly. by *Leatherwood.

Senate Joint Resolution No. 874 -- Memorials, Academic Achievement - Amy Garrett, Salutatorian, Pickett County High School. by *Burks, *Davis L.

Senate Joint Resolution No. 875 -- Memorials, Academic Achievement - Marcy Robbins, Valedictorian, Pickett County High School. by *Burks, *Davis L.

Senate Joint Resolution No. 876 -- Memorials, Death - Sheriff Joe Jones. by *Herron.

Senate Joint Resolution No. 878 -- Memorials, Public Service - David Brown Parrish. by *Graves.

Senate Joint Resolution No. 879 -- Memorials, Public Service - Senator Andy Womack. by *Haynes, *Atchley, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Henry, *Herron, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, J, *Wilder, *Williams, *Haynes.

Rep. Hood moved that all members voting aye on Senate Joint Resolution No. 879 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Golins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odorn, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 2688 -- Custody and Support - Directs that any child support payment made to department of human services without coupon or necessary identifying information is delinquent and subject to enforcement remedies and, in commissioner's discretion, civil penalty may be imposed. Amends TCA Title 36, Chapter 5, Part 1. by *Chumney, *Maddox, *DeBerry J, *DeBerry L, *Fowlkes, *Brown, *McMillan, *Black, *Patton, *Scroggs, *White, *Williams (Williamson), *Bowers. (*SB2398 by *Kyle, *Burks)

Further consideration of House Bill No. 2688 previously considered on May 15, 2000, May 17, 2000 and May 22, 2000, at which time it was reset for today's Calendar.

Rep. Chumney requested that House Bill No. 2688 be moved down 6 places on the Calendar.

House Bill No. 2462 -- Workers' Compensation - Expands panel of physicians and surgeons as designated by employer to four instead of three, one of whom must be a doctor of chiropractic, if injury is back injury. Amends TCA Section 50-6-204. by *Odom, *Jones, S., *West, *Fraleigh. (*SB2709 by *Cooper)

Further consideration of House Bill No. 2462 previously considered on May 22, 2000, at which time it was reset for today's Calendar.

Rep. Odom requested that House Bill No. 2462 be moved down 10 places on the Calendar.

House Bill No. 840 -- Highways, Roads and Bridges - Requires state, counties and municipalities to provide landowner with entire appraisal, including working documents, prior to filing a petition for condemnation for road purposes; requires state, counties and agents thereof to reveal entire appraisal, including working documents, when acquiring land by voluntary purchase for road purposes. Amends TCA Title 29, Chapter 17, Part 8 and Title 54. by *Rinks. (*SB394 by *Herron)

On motion, House Bill No. 840 was made to conform with **Senate Bill No. 394**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 394 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 394 by deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 54-5-110 is amended, by adding the following language as a new, appropriately designated subsection:

() Notwithstanding any provision of law or regulation to the contrary, when acquiring land by voluntary purchase for road purposes, the state through the department of transportation, or any agent thereof, shall, upon the request of the landowner, allow the landowner or the landowner's representative to examine the entire appraisal, if one was conducted. If an appraisal was not conducted, the landowner or landowner's representative may examine any other documents used to determine the proposed purchase price. This examination shall take place at the department of transportation's office for the region in which the property in question lies.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 394 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ Tennessee Code Annotated, Section 54-14-101, is amended by adding the following language as a new subsection (d):

(d) Any petition or action under the provisions of this chapter shall be subject to Tennessee Code Annotated, Title 29, Chapter 16, and specifically § 29-16-102.

On motion, Amendment No. 2 was adopted.

Rep. Rinks moved that **Senate Bill No. 394**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1192 -- Insurance, Health, Accident - Enacts "Health Insurance Prompt Payment Act." Amends TCA Title 56; and Title 71, Chapter 5. by *Kisber, *Caldwell, *Lewis, *Windle, *Jones, S., *Ferguson, *Curtiss, *Givens. (*SB1573 by *Cooper)

Rep. Kisber moved that House Bill No. 1192 be passed on third and final consideration.

Rep. Phelan moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1192 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following:

SECTION 1. The title of this act is and may be cited as the "Timely Reimbursement of Health Insurance Claims Act." The purpose of this act is to ensure the prompt and accurate payment of all provider claims for covered services delivered to eligible health insured patients. The general assembly further intends that this act provide direct provider rights to prompt payment under Section 68-11-219, which requires a patient's assignment of a claim. Nothing in this act will require a health insurance entity to pay claims that are not covered under a health insurer entity's contract.

SECTION 2. Tennessee Code Annotated, title 56, chapter 7, part 1, is amended by adding the following new, appropriately designated section:

Tennessee Code Annotated 56-7-____.

(a) As used in this section:

(1)(A) "Clean claim" means a claim received by a health insurance entity for adjudication, and which requires no further information, adjustment or alteration by the provider of the services in order to be processed and paid by the health insurer. A claim is clean if it has no defect or impropriety (including any lack of any required substantiating documentation) or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this act.

(B) A clean claim does not include a duplicate claim. A duplicate claim means an original claim and its duplicate when the duplicate is filed within thirty (30) days of the original claim.

(C) A clean claim does not include any claim submitted more than ninety (90) days after the date of service.

(D) The definition of clean claim includes resubmitted paper claims with previously identified deficiencies corrected.

(2) "Health insurance entities" means an entity subject to the insurance laws of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract to provide health insurance coverage, including but not limited to an insurance company, a health maintenance organization and a nonprofit hospital and medical service corporation.

(3) "Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any policy, certificate or agreement offered by a health insurance entity; provided, however, that health insurance coverage does not include policies or certificates covering only accident, credit, disability income, long-term care, hospital indemnity, Medicare supplement as defined in § 1882(g)(1) of the Social Security Act, specified disease, other limited benefit health insurance, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(4) "Pay" means that the health insurance entity shall either send the provider cash or a cash equivalent in full satisfaction of the allowed portion of the claim, or give the provider a credit against any outstanding balance owed by that provider to the health insurance entity. Payment shall occur on the date when the cash, cash equivalent or notice of credit is mailed or otherwise sent to the provider.

(5) "Submitted" means that the provider either mails or otherwise sends a claim to the health insurance entity. Submission shall occur on the date the claim is mailed or otherwise sent to the health insurance entity.

(b) Prompt Payment Standards.

(1)(A) Not later than thirty (30) calendar days after the date that a health insurance entity actually receives a claim submitted on paper from a provider, a health insurance entity shall:

(i) if the claim is clean, pay the total covered amount of the claim;

(ii) pay the portion of the claim that is clean and not in dispute and notify the provider in writing why the remaining portion of the claim will not be paid; or

(iii) notify the provider in writing of all reasons why the claim is not clean and will not be paid and what substantiating documentation and information is required to adjudicate the claim as clean.

(B) Not later than twenty-one (21) calendar days after receiving a claim by electronic submission, a health insurance entity shall:

(i) if the claim is clean, pay the total covered amount of the claim;

(ii) pay the portion of the claim that is clean and not in dispute and notify the provider why the remaining portion of the claim will not be paid; or

(iii) notify the provider of the reason why the claim is not clean and will not be paid and what substantiating documentation or information is required to adjudicate the claim.

(2) No paper claim may be denied upon resubmission for lack of substantiating documentation or information that has been previously provided by the health care provider.

(3) Health insurance entities shall timely provide contracted providers with all necessary information to properly submit a claim.

(4) Any health insurance entity that does not comply with subdivision (b)(1) shall pay one percent (1.0%) interest per month, accruing from the day after the payment was due, on that amount of the claim that remains unpaid.

(c) Regulatory Oversight.

(1) The commissioner of the department of commerce and insurance shall ensure, as part of the department's ongoing regulatory oversight of health insurance entities, that health insurance entities properly process and pay claims in accordance with the "Timely Reimbursement of Health Insurance Claims Act".

(2) If the commissioner finds a health insurance entity has failed during any calendar year to properly process and pay ninety-five percent (95%) of all clean claims received from all providers during that year in accordance with this act, the commissioner may levy an aggregate penalty up to ten thousand dollars (\$10,000). If the commissioner finds a health insurance entity has failed during any calendar year to properly process and pay eighty-five percent (85%) of all clean claims received from all providers during that year in accordance with this Act, the commissioner may levy an aggregate penalty in an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000), if reasonable notice in writing is given of the intent to levy the penalty. If the commissioner finds a health insurance entity has failed during any calendar year to properly process and pay sixty percent (60%) of all clean claims received from all providers during that year in accordance with this act, the commissioner may levy an aggregate penalty in an amount not less than one hundred thousand dollars (\$100,000) nor more than two hundred thousand dollars (\$200,000). In determining the amount of any fine, the commissioner shall take into account whether the failure to achieve the standards in this act is due to circumstances beyond the health insurance entities' control and whether the health insurance entity has been in the business of processing claims for two (2) years or less. The health insurance entity may request an administrative hearing contesting the assessment of any administrative penalty imposed by the commissioner within thirty (30) days after receipt of the notice of the assessment.

(3) The commissioner may issue an order directing a health insurance entity or a representative of a health insurance entity to cease and desist from engaging in any act or practice in violation of this act. Within fifteen (15) days after service of the cease and desist order, the respondent may request a hearing on the question of whether acts or practices in violation of this act have occurred.

(4) All hearings under this part shall be conducted pursuant to Tennessee's Uniform Administrative Procedures Act.

(5) In the case of any violations of this act, if the commissioner elects not to issue a cease and desist order, or in the event of noncompliance with a cease and desist order issued by the commissioner, the commissioner may institute a proceeding to obtain injunctive or other appropriate relief in the chancery court of Davidson County.

(d) The commissioner shall adopt rules and regulations to ensure effective compliance with this act.

SECTION 4. Nothing in this act will require a health insurance entity to pay claims that are not covered under the terms of a health insurer entity's contract. This provision does not prevent a claim of an out of network provider from being a clean claim.

SECTION 5. Nothing contained herein shall be construed or interpreted as applying to the TennCare programs under Title XIX of the Social Security Act or any successor to the TennCare program administered pursuant to the federal Medicaid laws.

SECTION 6. This act shall not preclude the right of a claimant to pursue any other administrative, civil or criminal proceedings or remedies permitted under state or federal law. This act shall also not preclude the commissioner of the department of commerce and insurance from pursuing any other administrative, civil or criminal proceedings or remedies permitted under state or federal law, except the commissioner may not impose any monetary penalties greater than those set forth in this act against health insurance entities found in violation of this act.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect November 1, 2000, the public welfare requiring it and shall apply to all outstanding clean claims to which this act applies that remain unreimbursed sixty (60) days after the date this act takes effect.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1192 by adding in the amendatory language of Section 2 of the bill, as amended, the following language as a new subdivision of subsection (c):

(6) Examinations to determine compliance with this Act may be conducted by the commissioner's staff. The commissioner may, if necessary, contract with qualified impartial outside sources to assist in examinations to determine compliance with this act. The expenses of any such examinations shall be assessed against Health Maintenance Organizations in accordance with TCA 56-32-215. For other health insurance entities, the commissioner shall bill the expenses of such examinations to those entities in accordance with T.C.A. §56-1-413.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Kisber moved that **House Bill No. 1192**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowikes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2189** -- Highway Signs - "American Museum of Science and Energy," I-75, Anderson County. by *Caldwell, *Baird. (SB2777 by *McNally)

Further consideration of House Bill No. 2189 previously considered on February 14, 2000, at which time it was reset for today's Calendar.

BILL RE-REFERRED

Rep. Caldwell moved that House Bill No. 2189 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 2865 -- Equalization Board - Establishes criteria for number of meeting days of Shelby County equalization board Amends TCA Section 67-1-404. by *Jones U (Shelby). (*SB2816 by *Person)

Rep. U. Jones moved that House Bill No. 2865 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2865 by deleting the amendatory language of Section 1 and by substituting instead the following:

In counties having a population greater than eight hundred thousand (800,000), according to the 1990 federal census, or any subsequent federal census, the county legislative body shall use due diligence to extend the special session, subsequent to the thirty (30) day regular session, of the county board of equalization so as to allow for appropriate time for all timely filed taxpayer complaints to receive a hearing.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. U. Jones moved that **House Bill No. 2865**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 2688 -- Custody and Support - Directs that any child support payment made to department of human services without coupon or necessary identifying information is delinquent and subject to enforcement remedies and, in commissioner's discretion, civil penalty may be imposed. Amends TCA Title 36, Chapter 5, Part 1. by *Chumney, *Maddox, *DeBerry J, *DeBerry L, *Fowlkes, *Brown, *McMillan, *Black, *Patton, *Scroggs, *White, *Williams (Williamson), *Bowers. (*SB2398 by *Kyle, *Burks)

Further consideration of House Bill No. 2688 previously considered on today's Calendar.

On motion, House Bill No. 2688 was made to conform with **Senate Bill No. 2398**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2398 be passed on third and final consideration.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2398 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5, Part 1, is amended by adding the following as a new section thereto:

Section (____). Payments and identifying information required for support payments made to the centralized collection and disbursement unit.

(a) All payments to the centralized collection and disbursement unit by either the obligor parent or a payer on behalf of the obligor parent shall include the following information:

(1) the name, social security number and return address of the obligor parent;

(2) the code identifier for the court for which the payment is being made and the docket number of the case in which the support order was entered; and

(3) for cases involving deductions from compensation of the obligor by an employer or other payer of income by income assignment, the date the payment was deducted from the employee's or other payee's compensation.

(b) As an alternative to compliance with subsection (a), an employer or other payer of support on behalf of an obligor parent may submit a payment document provided by the department of human services on which the employer or other payer shall include the amount of income withholding on each affected employee or other payee, and, if appropriate, shall provide the name and address of any new employer of an affected employee or payee if known to the employer or other payer.

(c) As an alternative to subsection (a), a self-employed obligor parent, or an obligor parent whose employer or other payer of income is unknown to the department, may submit a payment coupon provided by the department to the parent with the payment due.

(d) Any payment made to the centralized collection and disbursement unit that does not comply with the requirements of subsection (a)-(c) shall be subject to a penalty.

(e)(1) If, after prior warning notification by the department of human services of failure to provide the information with the payments as required by this section, any employer, or other payer of income, fails or refuses to comply with the requirements of this section, the violator shall be subject to a civil penalty of one hundred dollars (\$100.00) per individual for whom the required information is not provided upon the first failure to comply, two hundred dollars (\$200.00) per individual for the second failure to comply and five hundred dollars (\$500.00) per individual for each occurrence thereafter. The warning notification shall specifically state the information required to be submitted and the information omitted by the employer or other payer of income, shall provide a telephone number for questions, and shall set forth the penalties for failure to comply, referencing statutory authority.

(2) If, after prior warning notification by the department of human services of failure to provide the information with the payments as required by this section, any obligor fails or refuses to comply with the requirements of this section, the violator shall be subject to a civil penalty of one hundred dollars (\$100) or twenty-five percent (25%) of the obligor's monthly support obligation, whichever is less, for the first failure to provide the required information, two hundred dollars (\$200), or fifty percent (50%) of the obligor's monthly obligation, whichever is less, for the second failure to comply and five hundred dollars (\$500) or the obligor's monthly support obligation, whichever is less, for each occurrence thereafter. The warning notification shall specifically state the information required to be submitted and the information omitted by the obligor, shall provide a telephone number for questions, and shall set forth the penalties for failure to comply, referencing statutory authority.

(3) Any employer, payer of income or obligor who conspires not to provide the information required by this section or who conspires to provide false or incomplete information shall each be subject to a civil penalty of five hundred dollars (\$500).

(4) These penalties shall be assessed by the commissioner of human services after written notice to the violator. The notice shall provide fifteen (15) days from the mailing date of such notice to file a written request to the department for appeal of the civil penalty.

(5) If an appeal is timely filed with the department by the employer, payer of income or obligor, the department shall set an administrative hearing on the issue of the assessment pursuant to the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5 relative to contested case hearings.

(6) Failure to timely appeal the assessment of the civil penalty shall be final and conclusive of the correctness of the assessment.

(7) Any amount found owing shall be due and payable not later than fifteen (15) days after the mailing date of the determination.

(8)(A) Failure to pay an assessment shall result in a lien against the real or personal property of the employer, payer of income or the obligor in favor of the department. If the violator fails to pay an assessment when it becomes final, the department may collect the amount of the civil penalty by any available administrative enforcement procedures or by court action.

(B) The employer, payer of income or obligor shall be liable for all court costs and litigation taxes of the proceedings and shall be liable to the department for the cost of any private, contract or government attorney representing the state and for the time of any of its Title IV-D or contractor staff utilized in litigating the assessment.

(9) Any appeal of the action of the commissioner pursuant to this section shall be made in conformity with § 36-5-1003.

SECTION 2. This act shall apply to any pending child support order owed under a court or administrative order that is subject to centralized collection and disbursement.

SECTION 3. This act shall take effect July 1, 2000, the public welfare requiring it.

On motion, Children and Family Affairs Committee Amendment No. 1 was adopted.

Rep. Fitzhugh moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Turner (Hamilton) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Bunch moved adoption of Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 2398 by deleting the language "The employer, payer of income or obligor" in the first line of the amendatory language of Section 1(e)(8)(B), and by substituting instead the words "The non-prevailing party".

On motion, Amendment No. 4 was adopted.

Rep. Turner (Hamilton) moved adoption of Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 2398 by adding the following as a new, appropriately designated section immediately preceding the last two sections and by appropriately renumbering the subsequent sections:

SECTION (___). Tennessee Code Annotated, Section 36-5-116, is amended by adding the following as new, appropriately numbered subsection:

(___) No later than July 1, 2000, and to the extent required by federal law, the department of human services shall provide notices to current and former Families First recipients containing the following information relative to their child support payments:

- (A) Custodial parent's name;
- (B) Non-custodial parent's name;
- (C) TCSES identification number;
- (D) The date the child support was collected in the current month;
- (E) The amount of child support collected that was treated as current month child support;
- (F) The amount of child support collected treated as past due child support; and
- (G) The amount of child support sent to the custodial parent in the month.

(2) No later than April 1, 2002, child support payments sent to the custodial parent or other caretaker of the child by the central collections and disbursement unit shall include, in an easily understood format, the following information regarding the payment:

- (A) The custodial parent's name;
- (B) Non-custodial parent's name;
- (C) TCSES identification number;
- (D) Court docket number;
- (E) The amount of the current child support payment;
- (F) The date on which the payment was issued; and
- (G) The total of all payments issued to date during the current year.

(3) The department may include any additional information on the notices or payments under subdivisions (1) and (2) as it may determine necessary or helpful for the obligee.

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On motion, Amendment No. 5 was adopted.

Rep. Givens moved the previous question, which motion prevailed.

Rep. Chumney moved that **Senate Bill No. 2398**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	73
Noes	15
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Davidson, Davis (Cocke), Eckles, Ferguson, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Hargett, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Baird, Beavers, Bunch, Buttry, Curtiss, Davis (Washington), Dunn, Fitzhugh, Hagood, Harwell, Lewis, Sands, Towns, Turner (Hamilton), Winningham -- 15.

Representatives present and not voting were: Brooks, Cooper -- 2.

A motion to reconsider was tabled.

House Bill No. 2441 -- Sunset Laws - State volunteer advisory board, board of probation and parole, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 10. by *Kernell, *Garrett, *Brooks. (*SB2192 by *Springer, P)

Further consideration of House Bill No. 2441 previously considered on May 1, 2000, at which time it was re-referred to the House Committee on Calendar and Rules and reset for today's Calendar.

Rep. Kernell requested that House Bill No. 2441 be moved to the heel of the Calendar.

***Senate Bill No. 2106** -- Sunset Laws - Chickasaw trail economic development authority, June 30, 2008. Amends TCA Title 4, Chapter 29, and Title 13, Chapter 2. by *Springer, P. (HB2418 by *Kernell, *Garrett, *Brooks)

Further consideration of Senate Bill No. 2106 previously considered on May 1, 2000 and May 8, 2000, at which time it was reset for today's Calendar.

Rep. Kernell moved that Senate Bill No. 2106 be passed on third and final consideration.

On motion, Rep. Garrett withdrew Government Operations Committee Amendment No. 1.

Rep. Todd moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Kernell moved that **Senate Bill No. 2106** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 351 -- Sunset Laws - Board of dispensing opticians, June 30, 2007. Amends TCA Title 4, Chapter 29, and Title 63, Chapter 14. by *Kernell, *Garrett, *Brooks. (*SB102 by *Springer, P, *Person)

On motion, House Bill No. 351 was made to conform with **Senate Bill No. 102**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 102 be passed on third and final consideration.

On motion, Rep. Garrett withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved that **Senate Bill No. 102** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 899** -- Administrative Procedure - Authorizes government operations committees to suspend effectiveness of rules already in effect. Amends TCA Title 4, Chapter 5. by *Kernell. (SB1271 by *Springer, P)

Further consideration of House Bill No. 899 previously considered on May 20, 2000 and May 26, 2000, at which time it was reset for today's Calendar.

On motion, House Bill No. 899 was made to conform with **Senate Bill No. 1271**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1271 be passed on third and final consideration.

On motion, Rep. Garrett withdrew Government Operations Committee Amendment No. 1.

On motion, Rep. Garrett withdrew Government Operations Committee Amendment No. 2.

Rep. Kernell moved that **Senate Bill No. 1271** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2200 -- Motor Vehicles, Tinting and Registration - Authorizes issuance of Memphis Zoo new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to Memphis Zoological Society for acquisition of giant pandas. Amends TCA Title 55, Chapter 4. by *Chumney, *Turner (Shelby), *Pruitt, *Miller L, *Brooks, *Kernell. (*SB2180 by *Cohen, *Kyle, *Dixon)

On motion, House Bill No. 2200 was made to conform with **Senate Bill No. 2180**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2180 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2180 by deleting Section 2(c) of the original bill in its entirety and by substituting instead the following:

(c) Notwithstanding the provisions of Section 55-4-215 or any other law to the contrary, all funds produced from the sale of such Memphis Zoo new specialty earmarked license plates, after deducting the expense the department has incurred in designing, manufacturing and marketing such plates, shall be deposited in the general fund.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Churney moved that **Senate Bill No. 2180**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Churney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2462 -- Workers' Compensation - Expands panel of physicians and surgeons as designated by employer to four instead of three, one of whom must be a doctor of chiropractic, if injury is back injury. Amends TCA Section 50-6-204. by *Odom, *Jones, S., *West, *Fraley. (*SB2709 by *Cooper)

Further consideration of House Bill No. 2462 previously considered on today's Calendar.

Rep. Odom moved that House Bill No. 2462 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2462 By deleting the period at the end of subitem (B) of Section 1 and adding the following language:

; provided, however, no more than twelve (12) visits to such doctor of chiropractic shall be approved per back injury; provided further, the provisions of this subitem shall not apply to state or local government employees.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The state treasurer shall file a report with the chairman of Senate Commerce, Labor & Agriculture Committee, the House Commerce Committee and the Workers' Compensation Advisory Committee no later than September 1, 2001, on the effect the implementation of this act has had on the workers compensation pool.

Rep. Newton moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to 1

AMEND Amendment 1 by deleting the following language from the amendatory language of the first clause of Amendment 1 (Senate Amendment 1361):

; provided further, the provisions of this sub-item shall not apply to state or local government employees

Rep. Odom moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	44
Noes	40

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Caldwell, Chumney, Cooper, Curtiss, Davis (Cocke), DeBerry L., Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Gunnels, Hargrove, Head, Jones S., Jones U., Kernell, Langster, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Pleasant, Pruitt, Rinks, Sands, Tindell, Towns, Turner (Hamilton), West, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 44.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Buck, Bunch, Buttry, Cole (Carter), Davidson, Davis (Washington), Dunn, Eckles, Godsey, Goins, Hagood, Hargett, Harwell, Hassell, Hood, Kent, Kerr, Lewis, McCord, McDaniel, McKee, Montgomery, Newton, Patton, Ridgeway, Roach, Robinson, Sargent, Scroggs, Stulce, Todd, Walker, White, Williams, Wood -- 40.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2462 by adding the following language as a new section immediately preceding the effective date section:

SECTION _____. The provisions of this act shall not apply to workers' compensation self-insurer pools established pursuant to § 50-6-405(c)(1).

On motion, Finance, Ways and Means Committee Amendment No. 2 was adopted.

Rep. McKee moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2462 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 50-6-204(d)(3), is amended by designating the existing language as sub-item (A) and by adding the following language to be designated as sub-item (B):

(B) Notwithstanding the provisions of sub-item (A) or any other law to the contrary, no doctor of chiropractic shall be permitted to provide any disability or medical impairment rating for use in any claim or proceeding under this chapter nor shall a doctor of chiropractic be permitted to provide testimony or any report on any disability or medical impairment rating. The provisions of this sub-item shall only apply to proceedings under this chapter and shall not constitute a restriction on proceedings not governed by the provisions of this chapter.

Rep. Odom moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	45
Noes	43
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Briley, Brooks, Brown, Chumney, Cooper, Curtiss, Davis (Cocke), DeBerry L., Ford, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McMillan, Miller, Odom, Patton, Phelan, Pleasant, Pruitt, Rinks, Sands, Tindell, Towns, Turner (Hamilton), West, White, Whitson, Williams, Windle, Winingham, Mr. Speaker Naifeh -- 45.

Representatives voting no were: Baird, Beavers, Bittle, Black, Boyer, Buck, Bunch, Buttry, Caldwell, Cole (Carter), Davidson, Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Godsey, Goins, Gunnels, Hargett, Harwell, Hassell, Hood, Kent, Kerr, McCord, McDaniel, McKee, Montgomery, Mumpower, Newton, Pinion, Ridgeway, Roach, Robinson, Sargent, Scroggs, Stulce, Tidwell, Todd, Walker, Westmoreland, Wood -- 43.

Representatives present and not voting were: Jackson, McDonald -- 2.

Rep. Newton moved the previous question, which motion prevailed.

Rep. Odom moved that **House Bill No. 2462**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes..... 57
Noes 26
Present and not voting 7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Chumney, Cooper, Curtiss, Davidson, Davis (Cocke), DeBerry L., Ferguson, Ford, Fraley, Garrett, Givens, Goins, Gunnels, Hargett, Hargrove, Head, Jones S., Jones U., Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Montgomery, Odom, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rinks, Sands, Tindell, Towns, Turner (Hamilton), West, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 57.

Representatives voting no were: Baird, Bittle, Buttry, Caldwell, Davis (Washington), Eckles, Fitzhugh, Fowlkes, Hagood, Harwell, Hassell, Hood, McCord, McKee, Mumpower, Newton, Patton, Roach, Sargent, Scroggs, Stulce, Tidwell, Walker, Walley, Williams, Wood -- 26.

Representatives present and not voting were: Black, Bunch, Cole (Carter), Dunn, Godsey, Jackson, Todd -- 7.

A motion to reconsider was tabled.

***House Bill No. 2407** -- Criminal Offenses - Requires person arrested for aggravated assault of certain victims be tested for HIV. Amends TCA Title 39, Chapter 13. by *Beavers, *Todd. (SB2598 by *Blackburn, *Dixon, *Person)

Rep. Beavers moved that House Bill No. 2407 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

House Bill No. 2595 -- Solid Waste Disposal - Eliminates department of conservation and environment and local government supervision and approval for solid waste processing facilities; eliminates provision permitting interested persons' requests for public hearings on solid waste processing facilities Amends TCA Title 68, Chapter 211. by *Kerr, *Dunn, *Montgomery, *Garrett, *Tidwell, *Davidson. (*SB2155 by *Burchett)

On motion, House Bill No. 2595 was made to conform with **Senate Bill No. 2155**; the Senate Bill was substituted for the House Bill.

Rep. Kerr moved that Senate Bill No. 2155 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health and Human Resources Committee Amendment No. 1.

Rep. Kerr moved that Senate Bill No. 2155 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

House Bill No. 3066 -- DUI/DWI Offenses - Creates Class A misdemeanor offense for refusing to take BAC test when driving on license suspended or revoked due to conviction for vehicular assault, vehicular homicide or DUI. Amends TCA Title 55, Chapter 10, Part 4. by *Jackson, *Briley, *Newton. (*SB2665 by *McNally, *Crowe, *Graves, *Davis L)

Rep. Briley moved that House Bill No. 3066 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

House Bill No. 2441 -- Sunset Laws - State volunteer advisory board, board of probation and parole, June 30, 2002. Amends TCA Title 4, Chapter 29 and Title 41, Chapter 10. by *Kernell, *Garrett, *Brooks. (*SB2192 by *Springer, P)

Further consideration of House Bill No. 2441 previously considered on today's Calendar.

Rep. Kernell moved that House Bill No. 2441 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE MESSAGE

***Senate Bill No. 2320** -- DUI/DWI Offenses - Directs that prior conviction appearing on official driver record maintained by department of safety be considered prima facie evidence that such conviction occurred for purposes of prosecuting second or subsequent DUI offenses. Amends TCA Title 55, Chapter 10, Part 4. by *Rochelle, *Graves, *Davis L, *Haun, *McNally, *Williams, *Kurita. (HB3062 by *Jackson, *Briley, *Scroggs, *Newton, *Bittle)

Rep. Briley moved that Senate Bill No. 2320 be reset for the Regular Calendar on May 31, 2000, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

On motion of Rep. Hargrove, and seconded by Rep. McDaniel, the following rules were suspended for the remainder of the 2000 Legislative Session:

Rule No. 17: so that all congratulatory and memorializing resolutions can be placed directly on the next Consent Calendar;

Rule No. 49: the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that local bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

TUESDAY, MAY 30, 2000 — EIGHTY-THIRD LEGISLATIVE DAY

Rule No. 71: the 24-hour rule requiring all amendments to be placed on the members' desk;

Rule No. 59: notice provisions so that all bills from the Senate with messages can be announced and automatically placed on the next Message Calendar;

Rule No. 75: meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 80(1): so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

Rule No. 80(1): so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

**REPORT OF DELAYED BILLS COMMITTEE
May 30, 2000**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3334, 3350, 3359, 3360 and 3364.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

RULES SUSPENDED

On motion of Rep. Hargrove, and seconded by Rep. McDaniel, the rules were suspended and the following bills were introduced and passed first consideration:

***House Bill No. 3334** -- Regional Authorities - Expands Carroll County watershed authority from Beaver Creek to all of Carroll County Amends TCA Title 64, Chapter 1, Part 8. by *Maddox, *Phelan.

House Bill No. 3350 -- Utilities, Utility Districts - Modifies procedures for filling vacancies on board of commissioners of first utility district Hardin County. Amends TCA Section 7-82-307. by *Rinks.

***House Bill No. 3359** -- Education - Authorizes expansion of city school board from five to seven members in Union City. Amends TCA Section 6-36-101; Section 6-36-103 and Section 6-36-106. by *Pinion.

***House Bill No. 3360** -- Comptroller, State - Clarifies audit authority of the comptroller of the treasury. Amends TCA Title 8, Chapter 4. by *Kisber, *McDaniel.

***House Bill No. 3364** -- Public Funds and Financing - Increases taxes and fees and reallocates revenues. Amends TCA Title 9; Title 13; Title 29; Title 40; Title 54; Title 55; Title 57; Title 59; Title 67 and Title 68. by *Head, *Kisber, *Hargrove, *Rinks, *Ford S, *Cole (Dyer), *Cole (Carter), *Whitson.

BILLS REFERRED
May 30, 2000

The following bill(s) was/were referred to the following Committee(s):

***House Bill No. 3334** -- Regional Authorities -- House Finance, Ways and Means Committee

House Bill No. 3350 -- Utilities, Utility Districts - House Finance, Ways and Means Committee

***House Bill No. 3359** -- Education - House Finance, Ways and Means Committee

***House Bill No. 3360** -- Comptroller, State - House Finance, Ways and Means Committee

***House Bill No. 3364** -- Public Funds and Financing - House Finance, Ways and Means Committee

RULES SUSPENDED

On motion of Rep. Hargrove and seconded by Rep. McDaniel, the rules were suspended to allow House Bill(s) No(s). 3334, 3350, 3359, 3360, 3107 and 3364 to be properly placed on notice for the Budget Subcommittee on May 30, 2000, which motion prevailed.

NOTICE TO RECALL BILL

Pursuant to **Rule No. 53**, Rep. Brooks gave notice that House Bill No. 2517 be recalled from the House Finance, Ways and Means Committee and placed at the top of the Calendar for May 31, 2000.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 3107: Rep(s). Head as prime sponsor(s).

House Bill No. 3360: Rep(s). McDaniel as prime sponsor(s).

ENROLLED BILLS

May 30, 2000

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 250, 251, 252, 255, 256 and 257; and find the same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 30, 2000

The Speaker signed the following: House Resolution(s) No(s). 250, 251, 252, 255, 256 and 257.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 30, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1192, 2462, 2865, 3357, also, House Joint Resolution(s) No(s) 666, 713, 788, 789 and 791.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 30, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 102, 141, 1271, 2106, 3274, 3313, 3342; also, Senate Joint Resolution(s) No(s). 856, 859, 860, 861, 865, 866, 867, 870, 871, 873, 874, 875, 876, 878 and 879 for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED

May 30, 2000

The Speaker signed the following: Senate Bill(s) No(s). 102, 141, 1271, 2106, 3274, 3313, 3342; also, Senate Joint Resolution(s) No(s). 856, 859, 860, 861, 865, 866, 867, 870, 871, 873, 874, 875, 876, 878 and 879.

**MESSAGE FROM THE GOVERNOR
May 30, 2000**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2478, 2503, 2713, 2811, 2916, also, House Joint Resolution(s) No(s). 575, 591, 593, 678, 716, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 781, 783, 787 and 790; with his approval.

MICHELLE LONG, Counsel to the Governor.

**MESSAGE FROM THE SENATE
May 30, 2000**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2369; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL HUMPHREY, Acting Chief Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Wednesday, May 31, 2000.